

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

|                             |   |                                      |
|-----------------------------|---|--------------------------------------|
| S.F., b/n/f S.F. and S.F.,  | § |                                      |
| Plaintiffs,                 | § |                                      |
|                             | § |                                      |
|                             | § |                                      |
| v.                          | § | Civil Action No. 4:10-CV-323-RAS-DDB |
|                             | § |                                      |
| MCKINNEY INDEPENDENT SCHOOL | § |                                      |
| DISTRICT,                   | § |                                      |
| Defendant.                  | § |                                      |

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On March 6, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion for Judgment (Dkt. 45) be GRANTED in part and DENIED in part, that Plaintiff's Motion for Summary Judgment (Dkt. 46) be GRANTED in part and DENIED in part, that Defendant take nothing by its counterclaim here, that Plaintiffs are entitled to an award of attorneys' fees as a prevailing party, that Plaintiffs take nothing by their ADA and Sections 504 & 505 claims, that Plaintiffs' claims under Section 1983 and 1988 be dismissed.

The court, having made a *de novo* review of the objections raised by Defendant, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Defendant are without merit as to the ultimate recommendations. Therefore, the court hereby adopts

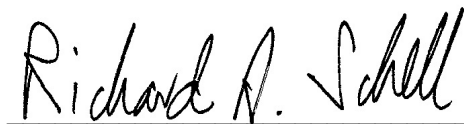
the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendant's Motion for Judgment (Dkt. 45) is GRANTED in part and DENIED in part, and Plaintiff's Motion for Summary Judgment (Dkt. 46) is GRANTED in part and DENIED in part. Defendant shall take nothing by its counterclaim here, Plaintiffs are entitled to an award of attorneys' fees as a prevailing party, Plaintiffs shall take nothing by their ADA and Sections 504 & 505 claims, and Plaintiffs' claims under Section 1983 and 1988 are dismissed.

Within thirty (30) days of this Order, after a good faith conference between the parties, Plaintiffs shall either file an agreed notice regarding the amount of attorneys' fees to be awarded or an opposed motion for attorneys' fees.

**IT IS SO ORDERED.**

**SIGNED this the 30th day of March, 2012.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The last name "Schell" is written with a large, prominent "S". The signature is positioned above a horizontal line.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE